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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,650

07/25/2008

Hiroto Handa

42598-4400

2314

21611 7590 04/02/2010
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EXAMINER

DAVIS, DAVID DONALD

ART UNIT

PAPER NUMBER

2627

MAIL DATE

DELIVERY MODE

04/02/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,650	Applicant(s) HANDA ET AL.	
	Examiner David D. Davis	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-3,6 and 8-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. Receipt is acknowledged of the Information Disclosure Statement (IDS) received August 8, 2008 and January 20, 2010.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 6 and 8-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al (WO 2005/093743 A1. Suzuki et al shows in figures 2-4 a disk selecting device including a plurality of disk holding sections for holding a plurality of disks 2 respectively. Suzuki et al shows in figures 5-14 a disk moving mechanism for separating a disk holding section, which is the object of selection, from other disk holding sections. Best shown in figure 4

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of Suzuki is the disk moving mechanism including an axis section 25 which is provided in the vicinity of the disk holding sections and rotated by a drive mechanism; a cylindrical drum cam 24 into which the axis section is inserted and which is rotated in accordance with the rotation of the axis section; and a disk selecting cam which is formed on a periphery of the drum cam and leads the disk holding section, which is the object of selection, in a direction of separating the disk holding section from other disk holding sections. Figure 4 of Suzuki also shows a transmitting section 26 that is provided between the axis section and the drum cam and permits the rotation of the drum cam so that the disk selecting cam is withdrawn from the disk holding sections which are not the object of selection, and transmits drive power from the axis section to the drum cam.

Suzuki et al shows in figures 38-41 a first biasing member (80/83) which biases the plurality of disk holding sections in a direction in which the holding sections are brought close to one another. Suzuki et al shows in figure 14 the transmitting section 26 being a cylindrical drum sleeve into which the axis section 25 is inserted so as to be able to move in an axial direction of the axis section. The drum sleeve has a fixing section for fixing the drum cam to the axis section 25 in accordance with the position of the movement of the drum sleeve, and a permitting section which can rotate the drum cam independently from the axis section.

Suzuki also discloses a holding arm 19 that is provided displaceably between a closed position for contacting with a disk to hold the disk and an opened position for separating from the disk to release the disk, and a periphery of the drum cam 24 is provided with an arm opening/closing cam which biases the holding arm in the disk holding section, which is the object of selection, to the opened position or the closed position.

Allowable Subject Matter

6. Claim 4, 5 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David D. Davis/

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Primary Examiner
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